

Neil G. Sparber
Brian W. Tilk
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
(212) 318-3000
nsparber@fulbright.com
bttilker@fulbright.com

Attorneys for Non-Party,
The Metropolitan Club, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THIRD CHURCH OF CHRIST, SCIENTIST, OF
NEW YORK CITY

Plaintiff,

-against-

THE CITY OF NEW YORK AND PATRICIA J.
LANCASTER, IN HER OFFICIAL CAPACITY
AS COMMISSIONER OF THE NEW YORK
CITY DEPARTMENT OF BUILDINGS,

Defendants.

INDEX NO. 07-CV-10962 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of Motion for Reconsideration, the exhibits annexed to the Notice of Motion, and upon all prior pleadings and proceedings had herein, non-party The Metropolitan Club Inc. (the "Club") will move this Court at the U.S. Courthouse located at 500 Pearl Street, New York, New York, on a date to be determined by the Court, pursuant to Local Rule 6.3 of the Southern and Eastern Districts of New York, for an Order (i) granting reconsideration of the Court's Order, dated July 30, 2008, which directed the Club to produce certain documents to the Third Church of Christ, Scientist, of New York City (the "Church"), and (ii) upon reconsideration, quashing the subpoena, dated

March 6, 2008, which was served on the Club by the Church (the "Subpoena") in its entirety on the grounds that the Club and the Church are not similarly situated with respect to the use of the premises for catered events and, therefore, the documents sought in the Subpoena are not relevant and the production of the documents by the Club would be unduly burdensome.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Rule 6.1(b) of the Local Civil Rules of the Southern and Eastern Districts of New York, answering papers, if any, must be served within ten business days hereof.

Dated: New York, New York
August 11, 2008

Respectfully submitted,
FULBRIGHT & JAWORSKI L.L.P.

By: 
Neil G. Sparber
Brian W. Tilker
666 Fifth Avenue
New York, New York 10103
nsparber@fulbright.com
btilker@fulbright.com

Telephone: (212) 318-3000
Facsimile: (212) 318-3400
Attorneys for Non-Party,
The Metropolitan Club, Inc.

TO: John Cuti, Esq.
Davis Wright Tremaine LLP
1633 Broadway
New York, New York 10019
(212) 489-8230
Attorneys for Plaintiff

Ave Maria Brennan, Esq.
Corporation Counsel Office City of New York
100 Church Street
New York, NY 10007
212-788-0782
Attorneys for Defendant

EXHIBIT A

87AYTHIC.txt

1

1 87AYTHIC
1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK
2 -----x
2
3 THIRD CHURCH OF
3 CHRIST SCIENTIST,
4 Plaintiff,
5
5 v. 07 civil 10962 (DAB)
6
6 THE CITY OF NEW YORK,
7
7 Defendant.
8 -----x
9
10
11
12 July 10, 2008
12 10:45 a.m.
13
14
15
16 Before:
17
17 HON. DEBORAH A. BATTES,
18
18 District Judge
19
20
21
22
23
24
25 SOUTHERN DISTRICT REPORTERS, P.C.
 (212) 805-0300

2

□ 87AYTHIC
1 APPEARANCES
1
2 DAVIS WRIGHT TREMAINE LLP
2 Attorneys for Plaintiff
3 1633 Broadway
3 New York, New York
4 VICTOR A. KOVNER, ESQ.,
4 JOHN R. CUTI, ESQ.,
5 of counsel
5
6 OFFICE OF THE CORPORATION COUNSEL FOR THE CITY OF NEW YORK
7 Attorneys for Defendant
7 100 Church Street
8 New York, New York
8 AVE MARIA BRENNAN, ESQ.,
9 of counsel
9
10 FULBRIGHT & JAWORSKI LLP

87AYTHIC.txt

11 Attorneys for Metropolitan Club
11 666 Fifth Avenue
12 New York, New York
12 NEIL G. SPARBER, ESQ.,
13 of counsel
13
14 DEBORAH A. BRYANT, ESQ.
14 Attorney for St. Ignatius Loyola
15
16 PATTON, EAKINS, LIPSETT
16 Attorneys for Riverside Church
17 429 Lexington Avenue
17 New York, New York
18 JOHN G. LIPSETT, ESQ.,
18 MATTHEW J. MARTIN, ESQ.,
19 of counsel
19
20 ALEXANDER FERRINI, III, ESQ.,
20 Attorney for Fourth Universalist society
21 270 Madison Avenue
21 New York
22
23
24
25

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

3

87AYTHIC

1 THE COURT: Good morning.
2 Third church of Christ Scientist, plaintiff versus the
3 City of New York, defendant.
4 We are here this morning for the limited purpose of
5 addressing subpoenas that the plaintiff had issued to certain
6 non-party individuals.

7 First on behalf of plaintiff, we have Mr. John Cuti
8 and Mr. Victor Kovner.

9 good morning to you.
10 On behalf of the city we have Ms. Ave Maria Brennan.
11 Good morning to you.

12 MS. BRENNAN: Good morning.

13 THE COURT: Metropolitan Club represented by Mr. Neil
14 Sparber.

15 MR. SPARBER: Yes, Judge.

16 THE COURT: St. Ignatius Loyola by Deborah Bryant.

17 MS. BRYANT: Good morning.

18 THE COURT: Riverside Church by Matthew Martin and
19 John Lipsett.

20 And the Fourth Universalist Society by Alexander
21 Ferrini the III.

22 Good morning.

23 Let me give the plaintiff an opportunity to open by
24 why they did serve the subpoenas on the individuals as they
25 did.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

4

87AYTHIC

1 Let's start with the Metropolitan Club, which is, as
2 it were, as it is termed as a non-party before me in a class by
3 itself.

4 MR. KOVNER: Just by way of overall context outside of
5 the number as to the neighbors, we served subpoenas on 11 third

87AYTHIC.txt

6 parties, four of whom have resisted, seven of whom have
7 complied.

8 Every one, all of the third parties here do not
9 dispute that they hold or at least rent catering space in their
10 buildings open to the general public at one level or another
11 and at the heart of this issue is, the heart of this case is
12 the question of the city's construction of the notion of
13 accessory use under the zoning code with which your Honor is
14 well familiar by this point.

15 So that each of these parties has information, and we
16 regret needing to serve them, but we have in order to establish
17 our claim under RLUIPA, that the Third Church of Christ
18 Scientist is being treated on less than equal terms, we need to
19 show that the city acquiescence IN AN open -- I don't want to
20 use notorious but I want to say well-known and we think
21 appropriate practice of a flexible construction as to the
22 notion of accessory uses, and each of these parties,
23 Metropolitan Club among them, has regularly available rental
24 arrangements for its space for catering services, banquets,
25 weddings, fund-raisers, other social events, and we need to

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

5

87AYTHIC

1 know and seek to know from the Metropolitan Club and the other
2 parties essentially with what frequency they do it, what are
3 the numbers of people who attend the events and certain limited
4 ancillary information as to some of them and that, we believe,
5 goes to the heart of our claim and will strengthen our ability
6 to establish the fact that we are being treated on LESS than
7 equal terms.

8 In Metropolitan Club, in particular, unlike the other
9 three, is the only secular non-profit of the four that are
10 resisting, so we think their information is particularly
11 relevant.

12 I think that is --

13 THE COURT: But my question is that they don't even
14 have to apply for permission to hold catered events because
15 isn't their purpose to hold catered events?

16 MR. ROVNER: Their status as a social club does not
17 permit them to regularly -- it would appear does not permit
18 them to regularly hold social events for members of the general
19 public which I think somewhat reluctantly the Metropolitan Club
20 does not contest it is a practice that does, I think, go on
21 there in substantial degree.

22 The extent to which they do it, because they are, they
23 are a social club, that's one thing. They can hold events,
24 their own events, but insofar as they are basically renting
25 space to the public and providing occasions at which catered

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

6

87AYTHIC

1 events are held, they are doing the very kind of activity that
2 the Third Church has done to a limited degree and which the
3 city is challenging it's right to do it at all.

4 THE COURT: All right.

5 Let me hear from Mr. Sparber.

6 MR. SPARBER: Yes, your Honor.

7 Well, we think that the Metropolitan Club has quite a
8 number of differences from the church in this category, but
9 with respect to the use of the catering facilities, as your
10 Honor picked up from the papers, you know, since 1894 we have

87AYTHIC.txt

11 regularly been doing these activities. The bylaws of this club
12 provide that the catering facilities are to be used for the
13 benefit of members and the guests of the members.

14 Now, in some of the papers I read I did see reference
15 to a private investigator apparently having called the
16 Metropolitan Club. I don't know who the person spoke to,
17 whether they spoke to the banquet manager or whoever, but with
18 respect to the banquet facilities, they are to be used only for
19 the benefit of the members and guests of the members and, in
20 fact, being a not-for-profit we are only allowed to derive
21 certain income if it goes to the benefit of the members.

22 I can't sit here and say every single event for the
23 last 114 years has been for the benefit of its members or
24 guests of its members, but I talked to people there and we
25 don't know offhand of these things.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

7

87AYTHIC

1 I mean, what happens is that all of these things
2 merge. I mean, if I am a member of the Metropolitan Club and I
3 want to have my son's party there, clearly that is for the
4 benefit of the members.

5 If my son, in fact, gets married, wants to hold a
6 wedding there, that is for the benefit of the member.

7 If my next door neighbor who is my guest wants to have
8 his affair there, that is for the benefit of the members for
9 tax purposes. It all melds together. It provides for the
10 members and the guests. We don't have a third party caterer.

11 I have a lot of different reasons --

12 THE COURT: I guess in terms of my understanding your
13 response, are you saying that it would be in violation of your
14 own bylaws to permit total non-party, non-members and people
15 who are not friends or guests of non-members to rent out space
16 and use the catering facilities of the Metropolitan Club?

17 MR. SPARBER: That is the intent of our bylaws, yes,
18 Judge.

19 THE COURT: And as you stand here, you are not aware
20 of any occasion where the Metropolitan Club catering facilities
21 have been used by someone who is neither a member or a guest of
22 a member?

23 MR. SPARBER: The way that it works, you can't just
24 call up off the street and ask I want to have my wedding there,
25 but clearly there are people who seek out somebody from the

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

8

87AYTHIC

1 Metropolitan Club because they know them and ask will you
2 sponsor my wedding or something. So it has to go through a
3 member in order to gain access to the facility.

4 I'm trying to address Mr. Kovner's argument. It could
5 be somebody who is not a member of the club has an event there
6 because it is being sponsored by, you know, by a member.
7 That's for sure.

8 I'm not suggesting that we have only catering events
9 for only members of the club.

10 THE COURT: I understand you, that's why I said
11 members and their guests.

12 MR. SPARBER: Yes.

13 THE COURT: But what you are saying, if I understand
14 you, is that no one holds an event there who is not a member or
15 is not sponsored by a member.

87AYTHIC.txt

16 MR. SPARBER: That's my understanding.
17 I'm hesitant to say no one because of this private
18 detective that apparently called the club. He could have
19 spoken to the banquet manager and he said yeah, come in and
20 have the event. I doubt he spoke to the general manager or
21 someone on the board of directors. I'm trying to be honest
22 with the court.

23 THE COURT: I appreciate that. I'm not asking you to
24 swear on a stack of Bibles, but I am trying to get a sense of
25 what your position is.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

9

87AYTHIC

1 So that you are saying that you do not rent out to
2 non-members, non-guests?

3 MR. SPARBER: That would be our position, Judge.

4 THE COURT: All right.

5 How does the club generally keep track of who is using
6 the club for any particular event at any particular time?

7 MR. SPARBER: Well, I think for each event that is
8 held there is paperwork for that event and who the members, the
9 sponsors, wedding, Bar Mitzvah, what is going to be done, the
10 parties to the contract sign with respect to each event.

11 THE COURT: So that if you were to produce paperwork
12 for the events over the last two years, let's say, that
13 paperwork would have the name of the member on it or the name
14 of the member who is sponsoring his or her guest?

15 MR. SPARBER: I would assume that to be the case,
16 Judge.

17 THE COURT: Have you actually seen one of these forms?

18 MR. SPARBER: I have just seen blank forms because in
19 representing the club I haven't worked on the form themselves.
20 That's the intent to determine who the members, who the guest
21 is, what the fees are, what the names are going to be.

22 THE COURT: You are representing to the court that the
23 form expects that in order for it to be filled out properly
24 that a guest has to have a sponsor, has to have a member that
25 has sponsored him or is a member himself or herself that is

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

10

87AYTHIC

1 using the facilities. Is that correct?

2 MR. SPARBER: I can't represent that the person who
3 signed the actual contract --

4 THE COURT: No, no, no.

5 MR. SPARBER: -- is a member or a guest.

6 THE COURT: What I am saying is the form has a space
7 for member's name or sponsored by member so-and-so.

8 MR. SPARBER: I can't answer that because I don't have
9 the -- no, no, there should be documentation for each event and
10 to whom the member or sponsor would be, I would think, Judge.

11 THE COURT: All right. And how many events, private
12 events, if you will, have been held at the club roughly over
13 the last two years?

14 MR. SPARBER: I mean, there could be as many, you
15 know, as five or ten events a day during Christmas season, sort
16 to speak. For example, our firm would have a Christmas party
17 there or something and at Christmastime you can't get into the
18 club, all the catering facilities are used. So, I mean,
19 certainly hundreds if not thousands. I don't know.

20 THE COURT: All right.

87AYTHIC.txt

21 Mr. Kovner, based on Mr. Sparber's representation,
22 what is it -- how do you respond to it?

23 MR. ROVNER: I respond basically that the practice as
24 indicated by the private investigator, which we believe is not
25 unusual for clubs like the Metropolitan Club, is when a member

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

11

□ 87AYTHIC
1 of the public calls, arrangements are made by the banquet staff
2 or whoever it is to find some quote sponsoring member to
3 provide basically illusory cover for the fact that they are
4 renting their catering facilities to the public, and this is an
5 open and common practice. And we don't seek extraordinary
6 documentation from the Metropolitan Club, we seek a limited
7 period of years --

8 THE COURT: What period of years?

9 MR. ROVNER: We started from 2000, but we lowered it
10 to 2005 so that 5, 6 and 7, basically three years of records I
11 think would be ample.

12 THE COURT: I guess my problem is are you conceding
13 that your private investigator was told that a member sponsor
14 had to be found?

15 MR. KOVNER: I am conceding that that is -- yes, that
16 it would be arranged, would be provided, would be provided,
17 yes.

18 THE COURT: All right. By provided it meant what?

19 MR. ROVNER: The banquet office would try to make
20 arrangements so that some member of the club could quote
21 sponsor the event.

22 THE COURT: All right.

23 Well, that is slightly different, isn't it, as to how
24 things are done at the Third Church of Christ Scientist?

25 MR. ROVNER: It is slightly difference, and I don't

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

12

□ 87AYTHIC
1 think under the equal terms standard under RLUIPA that we need
2 to show that they are identical, but they are very, very
3 similarly. These are competitive --

4 THE COURT: This is the whole point.

5 I mean, like, if, indeed, it has to be done by a
6 member or the sponsorship of a member, that then doesn't make
7 it ancillary if it is done by the sponsorship of the member.
8 Isn't that the purpose of the club?

9 MR. ROVNER: The purpose of the club is to provide
10 services for its members and guests, it's not to provide
11 services to the general public with the illusion that there may
12 be some sponsoring member identified, which is why they have,
13 as Mr. Sparber has just indicated, you know, ten events a day
14 during the holiday season and their catering facilities are
15 filled and they have hundreds and thousands of events, which is
16 why those aren't events all by the members of the Metropolitan
17 Club, those are events that the general public has signed up
18 under these relationships and they are similar.

19 THE COURT: If the documents are reviewed, how would
20 you distinguish between genuine membership events, genuine
21 membership sponsored events and the fake membership sponsored
22 events?

23 MR. ROVNER: I haven't seen the records. It's a
24 responsible and distinguished organization. I'm sure they keep
25 records of the names of their members and whose Bar Mitzvahs or

87AYTHIC.txt
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

13

1 87AYTHIC
2 wedding was arranged for, how it was paid. We believe it will
3 be probative and --

4 THE COURT: That's what I am saying, how can it be
5 probative if the face of the document wouldn't indicate
6 anything different from a genuine membership event or
7 membership sponsored event and an arranged sponsorship event.

8 MR. ROVNER: We believe it is probative. I can't be
9 certain, I haven't seen their records, but I believe there will
10 be records of who paid, what was the arrangement and how they
11 recorded it internally.

12 THE COURT: But I don't understand what you are
13 saying. Who paid? If it is sponsored by a member you expect a
14 member to pay?

15 MR. ROVNER: No. If the member had no connection, was
16 simply provided by the banquet manager to accommodate a request
17 from the general public, that would be --

18 THE COURT: What I am asking, how will the documents
19 reveal that?

20 MR. ROVNER: Not having seen the documents I can't be
21 certain, your Honor. I think --

22 THE COURT: I can be pretty certain it doesn't say
23 this is a fake one, this is a real one.

24 MR. ROVNER: I'm sure it doesn't say a fake one, but I
25 think it is likely that the party arrangements for the wedding,
they will, A, have a list of its members; B, if someone who has

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

14

1 87AYTHIC
2 arranged for the wedding of x family isn't a member they will
3 have a record of that and if they separately list that someone
4 quote sponsored it, that is, the parties argue what weight the
court should give to it.

5 I don't know that a deposition would be necessary. I
6 kind of think this can be resolved on documents.

7 THE COURT: Wait.

8 So what you are asking for would be the documents that
9 indicate it either is a member event or a member sponsored
10 event and for a member sponsored event you would seek to
11 determine whether it was a real relationship or an arranged
12 relationship?

13 MR. ROVNER: I would look -- since my partner, Mr.
14 Cuti, has focused on the social club, with the permission of
15 the court, I would like him to expand if I may in response to
16 your question.

17 THE COURT: He cannot do any better than you are, but
18 if you want to, go right ahead.

19 MR. CUTI: I totally hear that.

20 With respect to clubs, we did engage an investigator
21 who called a number of clubs. The reason we chose the
22 Metropolitan Club is because of where it is located and clubs
23 do it in varying ways.

24 Our understand is the Metropolitan Club is very close
25 to anybody can call and you can have the event there and they

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

15

1 87AYTHIC
2 will either assign a sponsor or maybe not even require that.

Page 7

87AYTHIC.txt

2 That's our understanding.

3 Some clubs are stricter. Some clubs, of course, the
4 Harvard Club, I think, anybody in the room can go there
5 tomorrow and rent space and I think that's purely an open
6 practice there.7 But getting to the point that your Honor raised, it's
8 not clear to me that even allowing events to be held at the
9 Metropolitan Club for non-members who are sponsored is
10 permissible under the zoning law. In other words, those may be
11 accessory catering uses as well. And so whether or not --12 THE COURT: Let's stick with if the purpose of the
13 club is for the members and their guests, it seems to me that
14 that wouldn't be an ancillary event for them to cater for a
15 guest, a genuine guest of a member.16 MR. CUTI: I'm not a member of any club, but I've been
17 invited, for example, to play golf at clubs. Typically members
18 invite guests, but it's an event for the member.19 I think it is somewhat unusual to be able to go to a
20 club without a member and use the facilities on your own.21 So my point would be, there is no question that a
22 member could have a party or a wedding at the Metropolitan Club
23 and invite 500 non-members as her guest, but saying to a member
24 who says to a friend, Victor, come on over, use the club, have
25 your kid's wedding there; I'm not going to be there, no member

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

16

□ 87AYTHIC

1 is going to be there, I don't know if that is not accessory.
2 So there are two levels.

3 THE COURT: Bear with me.

4 Let's just strict with the purpose of the club, which
5 is not limited to the members, its members and guests, that is
6 why it doesn't seem to me if a member genuinely sponsors a
7 guest that that is ancillary since the purpose of the club is
8 member and their guests.

9 MR. CUTI: You know, you could argue that.

10 I think it's very hard to limit that principle because
11 members have a lot of friends and in theory that would be an
12 end run around zoning restrictions on full-time catering use.13 I don't know how many members the club has, probably
14 hundreds, maybe a thousand, I don't know, but if you start
15 going through anybody's network and if anybody who simply knows
16 the member can use the club as a right without even having to
17 worry about the accessory analysis, I'm not sure that the
18 zoning rule contemplates that. It is for club members to
19 invite their guests. Once you start to extend that, some of
20 the clubs, in our understanding from our investigator who
21 called up posing as somebody who wanted to have a wedding, is
22 that you can do that.23 Some clubs, for instance, the Frick will let you do
24 it, but you have to write a very big check.

25 THE COURT: That's a museum.

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

17

□ 87AYTHIC

1 MR. CUTI: You can have an event there, but you have
2 to write a large check, \$25,000, and you can have a party
3 there.4 It's a similar thing that is done at the Park East
5 Synagogue. Anybody can join that synagogue for the purpose of
6 having a party, but it's akin to just paying for the right to

87AYTHIC.txt

7 use the facility. You can do that as well, I believe, at the
8 Cooper Hewitt.

9 THE COURT: I get your drift, but I'm not expanding
10 this into an inquisition into the bending of rules and
11 regulations by every establishment in the city of New York.

12 MR. CUTI: Right, and that's why we only picked one
13 club. We thought it was comparable because of the location on
14 Fifth Avenue, the provenance of the institution, how long it
15 has been there and the fact that it apparently, talking to
16 people in the catering world, a sort of spot for fancy parties.

17 THE COURT: Mr. Brennan, do you wish to elucidate this
18 at all?

19 MS. BRENNAN: No, your Honor. I would join in what
20 the attorney for the Metropolitan Club had to said on the
21 record.

22 THE COURT: All right.

23 Well, Mr. Sparber, it seems to me that if the
24 Metropolitan Club holds several events daily, that producing
25 records of every event in the last three years would be unduly

SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

18

□ 87AYTHIC
1 burdensome, so it seems to me at least to see if, indeed, it is
2 possible from the documentation to determine a true outsider
3 from a member, I would ask you to comply with the subpoena in
4 terms of the month of December 2007.

5 After that, if an argument can be made from the
6 documents that it is clear that this is a practice from that
7 month, then perhaps it can be enlarged or maybe it need not be
8 depending on the number of events that seem to be outside of
9 that in December.

10 Mr. Sparber.

11 MR. SPARBER: Somehow getting lost in this argument
12 because Mr. Kovner chose to argue in such a way are all the
13 legal reasons why the club is not similarly situated at all to
14 the church starting with your Honor position with the Beekman.

15 We are no different than the Beekman. Since 1894 we
16 have been operated as a transient hotel. If you look at the
17 original certificate of occupancy, which is attached as Exhibit
18 A to our papers, we start with the premise that we have always
19 had two floors of sleeping rooms, we have always had dining
20 facilities, we have always had kitchen, living rooms, 24 hours
21 concierge system, every indicia of a transit hotel in the
22 Metropolitan Club.

23 THE COURT: I may have misspoken in the Beekman and
24 transient hotel, it may be an apartment hotel.

25 MR. SPARBER: It is for use which these are permitted
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

19

□ 87AYTHIC
1 activities.

2 Number two, the zoning regulations in the districts
3 are entirely different. This club has been operating
4 Mr. Kovner says since 1894 in an open and notorious manner
5 doing those events that they are doing here today.

6 It started off in a retail district, became a
7 residential district with limited retail resources to the
8 current R10H which allows for the hotel facility and the
9 banquet facilities.

10 The whole fiber of the club is to provide these types
11 of activities which are catering activities. We don't have any

87AYTHIC.txt

12 third party caterers coming in, we don't have contracts with
13 anybody. We have a whole staff of employees whose sole purpose
14 is to run the kitchen and to run the events.

15 We have a banquet staff on premises to do these
16 things, we are unionized, we have banquet managers, we have
17 everything. It goes to the very part of the fiber of the club.
18 It has been doing this for 114 years. And when the zoning
19 regulations were enacted in 1961 these activities, no matter
20 what they are, right, were grandfathered in as preexisting
21 non-conforming uses. It is entirely different from the church.

22 THE COURT: Let me stop you right there.
23 Is there documentation of that, grandfathering in,
24 whatever you did before you can continue to do?

25 MR. SPARBER: We did have an affidavit from the former
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

20

87AYTHIC
1 chief engineer of the planning board explaining all these
2 differences in the zoning regulations.

3 THE COURT: I'm sorry, would you just refer me
4 specifically to that in your papers.

5 MR. SPARBER: It was in our reply. It was an
6 affidavit from is it Anthony Patrissi. He is the former chief
7 engineer of the New York City Department of Planning.

8 THE COURT: Which attachment is it?

9 MR. SPARBER: It was a reply affidavit put in, about
10 five pages. I don't have any more identification than that.

11 THE COURT: Since I do not seem to be able to locate
12 it, would you mind reading that particular part into the record
13 for me.

14 (Pause)

15 While Mr. Sparber is looking for it, Ms. Brennan, may
16 I ask you if you have any knowledge about this grandfathering?

17 MS. BRENNAN: Your Honor, although not in this
18 particular instance, any use that predated the enactment of the
19 zoning resolution in 1961 can continue as a legal
20 non-conforming use.

21 If it is stopped for a period of two years, I believe
22 that is what is in the statute, it then cannot continue, cannot
23 come back. But, in fact, it is true that this is quite common,
24 that uses can continue as legal non-conforming uses. They are,
25 in fact, grandfathered in and that's what the attorney for the

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

21

87AYTHIC
1 Metropolitan Club is referring to.

2 THE COURT: All right.

3 Let me ask any of the other non-parties here, were
4 your practices in existence prior to 1961, Ms. Bryant?

5 MS. BRYANT: Yes, I believe so, yes. You didn't even
6 have to apply for the permit because it has been grandfathered
7 in.

8 THE COURT: What about Riverside Church?

9 MR. LIPSETT: I don't know for certain, your Honor. I
10 assume the church conducted similar activities.

11 THE COURT: Prior to 1961?

12 MR. LIPSETT: Yes. But in terms of any current
13 catering arrangements, they run for very short periods so I
14 can't say a particular date caterer or a stick contract is in
15 effect.

16 THE COURT: But what I am asking you is whatever

87AYTHIC.txt

17 catering use buy outside members, outside individuals from the
18 members of the church, did that exist, was the church doing
19 that prior to 1961?

20 MR. LIPSETT: I cannot say that.

21 THE COURT: And the Fourth Universalist Society,
22 Mr. Ferrini?

23 MR. FERRINI: I believe so. I believe we took access
24 to the building before the turn of the century, but I can
25 confirm that in a submission.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

22

87AYTHIC

1 THE COURT: Mr. Cuti.

2 MR. CUTI: As your Honor just said, the question is
3 not whether -- we were around before 1961 as well. The
4 question is whether there was accessory catering being done
5 before 1961.

6 I looked at the reply declaration that Mr. Sparber
7 just referenced. I don't think there is any grandfathering in
8 at all.

9 The Metropolitan Club has been in existence since 1894
10 as a place for its members to enjoy the club, but short of a
11 showing that the club was being made available to non-member
12 members of the general public prior to 1961 there is no issue
13 of grandfathering.

14 I'm not sure if Ms. Bryant answered the question if
15 there is any evidence that St. Ignatius was allowing
16 non-members of its congregation to use its building for
17 catering before 1961. That may be the case. I certainly
18 haven't seen any evidence of it. I don't know that we have
19 even looked for evidence of that. That would be the
20 grandfathering issue.

21 Our church has been in existence since 1924 in its
22 current location. I have never even thought to look at it.
23 Maybe it had a few catering events for the whole. It may move
24 the whole thing.

25 I don't know that Ms. Brennan would agree with that.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

23

87AYTHIC

1 MS. BRENNAN: I'm not.

2 MR. CUTI: I'm not sure this is the way to move the
3 subpoenas here.

4 THE COURT: It certainly has more significance to me
5 than it has to you, and in terms of having these non-party
6 organizations go to the difficulty of complying with the
7 subpoena no matter how reasonable the subpoena is, it seems to
8 me that if there is a conversation stopper of grandfathering,
9 that that needs to be addressed.

10 So that what I would like to do is adjourn this,
11 because if that exists, there is no reason to continue, because
12 then they would not be similarly situated, it never had to
13 apply, so it wouldn't be helpful to the plaintiff to have their
14 information.

15 Is it possible that the Metropolitan Club, St.
16 Ignatius Loyola, Riverside church and the Fourth Universalist
17 Society can resolve this within ten days?

18 MR. SPARBER: Yes, Judge, for the Metropolitan Club.

19 THE COURT: And would an affidavit with any supporting
20 documents be satisfactory to the plaintiffs?

21 MR. CUTI: We would be, your Honor.

87AYTHIC.txt

22 THE COURT: All right. Then why don't we put this to
23 the side until we can resolve this, because this would cut
24 things short.

25 MR. CUTI: In that vein, I will just say it on the
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

24

0 87AYTHIC
1 record and I have had this conversation.
2 We are really not looking to inconvenience any of the
3 non-parties. What we principally want is just the number of
4 events held for non-members, the number of attendees at those
5 events and some description of the commercial terms on which
6 those events were arranged.

7 THE COURT: What do you mean?
8 MR. CUTI: Is it a contract with the couple who has
9 the wedding.

10 THE COURT: The couple who is having a wedding in the
11 church?

12 MR. CUTI: Their church has an arrangement with its
13 caterer --

14 THE COURT: The people don't have a contract with the
15 church --

16 MR. CUTI: Then the church gets paid by the caterer.
17 It could be done differently. If I wanted to have the event at
18 Fourth Universalist, I don't know how they do it, because the
19 city has focused on the commercial arrangements. We don't even
20 necessarily need hundreds of declaration, we will take a
21 declaration.

22 The American society, the company that runs the Park
23 Avenue Cafe, we worked out arrangements with all of those short
24 of massive document production. I will re-offer to be open to
25 any flexible resolution. That's all I wanted to say.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

25

0 87AYTHIC
1 THE COURT: I think that would be appropriate if,
2 indeed, it cannot be reasonably established that the
3 non-parties are grandfathered. All right?

4 MR. CUTI: Very well, your Honor. Thank you.
5 THE COURT: I don't know that we can accomplish much
6 more here and I apologize to you for not focusing on this issue
7 earlier.

8 But Ms. Brennan, although you decided initially you
9 wouldn't going to say anything, you did sort of contribute
10 information that focuses us on something very important here.
11 So I thank you all for being here and I expect I will be
12 hearing from you.

13 MR. ROVNER: Thank you, your Honor.
14 THE COURT: This matter is adjourned.

15 Before I completely let you go, I would like the city
16 and I would like the plaintiff to see Guido, because I am
17 ordering this record and I am splitting the cost.
18
19
20
21
22
23
24
25

SOUTHERN DISTRICT REPORTERS, P.C.
Page 12

87AYTHIC.txt
(212) 805-0300

□

EXHIBIT B

Neil G. Sparber
Brian W. Tilker
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
(212) 318-3000
nsparber@fulbright.com
btilker@fulbright.com

Attorneys for Non-Party,
The Metropolitan Club Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THIRD CHURCH OF CHRIST,
SCIENTIST, OF NEW YORK CITY, x
Plaintiff, :
:
-against- :
:
THE CITY OF NEW YORK and PATRICIA
J. LANCASTER, in her official capacity as
Commissioner of the New York City
Department of Buildings. :
:
Defendant. :
:
:
:
:
:
X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

CIVIL ACTION NO. 07-CV-10962
(DAB)
SUPPLEMENTAL
AFFIDAVIT

Anthony Nuttall, being duly sworn, deposes and says:

1. I am the General Manager of The Metropolitan Club (the "Club") located at 1
East 60th Street, New York, New York (the "Premises") and I am familiar with the facts herein.
I submit this supplemental affidavit (i) in connection with the Court's directive on July 10, 2008
to have the Club submit proof that the Club hosted catered events for non-members prior to the

enactment of the New York City Zoning Regulations in 1961, and (ii) in further support of the Club's motion, pursuant to Rule 45 of the Federal Rules of Civil Procedure, for an order quashing a subpoena which was served upon the Club on or about March 6, 2008 by the Third Church of Christ, Scientist, of New York City (the "Church"), the plaintiff in the above-captioned action, on the grounds that the documents and information sought in the subpoena are not relevant and unduly burdensome.

2. The Club was built in the early 1890's specifically to be a social club by prominent New Yorkers. The Club was opened in 1894 as a private, members only not-for-profit social club, which provided members and their guests with facilities and services including kitchen and dining facilities, lounges, a library and sleeping accommodations. The Club provided a place for its members and guests to gather, socialize, play cards, read and to hold and participate in social events. The primary use of the Club as a social club has not changed since its inception in 1894.

3. In addition to providing amenities and services to its members and their guests, the Club has always been a venue for receptions, meetings and social events for a wide variety of social, cultural and political organizations. I believe that the Club has engaged in such activity since its inception, but it has certainly held catered events for various organizations prior to 1961. I have reviewed the minutes of a number of meetings of the Board of Governors of the Club which occurred in 1959 and 1960 for corroboration that such events took place. For example, annexed hereto as Exhibit A is a copy of the minutes of the Board of Governors meeting held on February 17, 1959, which indicates that Mr. James Campbell Burton, the Chairman of the Executive Committee, advised the Board of Governors that "his committee had

approved the holding of a cocktail party in the West Lounge on Saturday, February 21st, under the auspices of the Guideposts For Children, Inc.”

4. Similarly, annexed hereto as Exhibit B, is a copy of the minutes of the Executive Committee which was held on March 17, 1959. The Executive Committee “approved the renting of the West Lounge and the Great Hall for a debutante’s cotillion to be held in November for approximately 250 guests, and sponsored by Mrs. Robert W. Cutler.”

5. The minutes of the Executive Committee meeting that was held on October 21, 1957 are annexed hereto as Exhibit C. These minutes state that Ambassador Braden told the committee that he had recently attended a dinner of the Americas Foundation held at the Metropolitan Club, which was also attended by some very prominent guests, and he thought that a function of this type held at the Club should be publicized since it might influence members and their wives to make greater use of the Club.” Moreover, a copy of the minutes of the meeting of the Executive Committee which was held on March 9, 1960 are annexed hereto as Exhibit D. The minutes state that “[t]he request of Haskins & Sells for the privilege of having a dinner for 140 persons in the Main Dining Room of the Club, reception in the West Lounge, and the use of the card room and billiard room after dinner on Thursday, May 26th, to be sponsored by our member Mr. Harry R. Ferris, was approved by the Committee.”

6. The use of the Club by outside organizations for specific events, through the sponsorship of members, has always been part of the operation of the Club. In connection therewith, I have annexed hereto as Exhibit E a copy of a brochure from 1960 with respect to the Club’s facilities.

7. The brochure describes the Club as "The perfect setting for your business and social events," and describes the seating capacities of the private dining rooms as well as the other services offered by the Club. It is likely that the brochure was provided only to members, with the intent that the members be aware that the facilities could be used for business events.

8. Further evidence that the Club hosted events for outside organizations and non-members prior to 1961 is contained in articles that appeared concurrently in the New York Times. Examples of various articles that appeared in the New York Times in 1959 and describe events held at the Club are annexed hereto as Exhibit F. These articles reflect the following:

(a) On or about February 12, 1959 a gala Bal Masque was held at the Club which was sponsored by the Guideposts for Children, Inc, a nonsectarian group which provided psychotherapeutic treatment for retarded pre-school children;

(b) On or about March 11, 1959, a luncheon of the motion picture industry section of the 1959 Red Cross campaign was held at the Club for 125 film industry leaders;

(c) On or about October 3, 1959, a luncheon was given for Premier Antonio Segni of Italy by the America-Italy Society at the Club;

(d) On or about October 13, 1959, the eighteenth annual dinner of the Americas Foundation was held at the Club; and

(e) On or about November 27, 1959, the first annual Doric Debutante Cotillion of the Women's Chapter of the American Institute of Architects was held at the Club.

9. Similarly, annexed hereto as Exhibit G is a copy of various articles that appeared in the New York Times throughout 1960 and which describe events that were held at the Club during 1960. The articles demonstrate the following:

(a) On or about March 16, 1960, a dinner was held at the Club in honor of Vice Admiral Thomas L. Combs under the auspices of the New York Council, Navy League of the United States;

(b) On or about May 27, 1960, a luncheon rally opening the motion picture industry's drive in the 1960 Red Cross fund campaign was held at the Club;

(c) On or about September 18, 1960, a luncheon was held at the Club by the New York State Association of Plaintiffs Trial Lawyers to pay tribute to Judge Charles S. Desmond at which about 500 persons were in attendance;

(d) On or about September 18, 1960 a reception was held at the Club to honor Justice Matthew J. Troy by the Oriel Society, a Catholic cultural organization;

(e) On or about September 18, 1960, Rear Admiral Giles C. Stedman was honored at a dinner at the Club which was sponsored by the Blue and Gray Club, an organization of alumni and friends of the Merchant Marine Academy;

(f) On or about September 28, 1960, the fiftieth anniversary reception of the American-Scandinavian Foundation was held at the Club;

(g) On or about September 29, 1960 a reception was held at the Club for Prince Harald of Norway by the American-Scandinavian Foundation;

(h) On or about October 15, 1960, a reception in honor of King Frederik and Queen Ingrid of Denmark was held at the Club under the auspices of the American-Scandinavian Foundation; and

10. On or about November 16, 1960, a reception was held at the Club for Princesses

Birgitta and Desiree of Sweden by the American-Scandinavian Foundation.

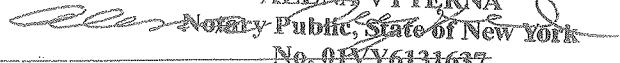
11. The minutes of the meetings of the Board of Governors of the Club, and the New York Times articles, set forth examples of catered events of catered events for non-members over the two year period of 1959 and 1960. There are further examples of meetings and social events held at the Club during 1959 and 1960 for various organizations as well as for years prior to 1959. The Club has always been a favored venue for social events and receptions in New

York and hosting these events has always been a part of the operations of the Club. As far as I am aware, the Club has hosted such events continuously from 1960 to the present.



Anthony Nuttall

Sworn to and subscribed before me
on this 18th day of July, 2008



ALENA VYTERNA
Notary Public, State of New York
No. 01VY6131637
Notary Public Qualified in New York County
Commission Expires August 15, 2009

A REGULAR MEETING OF THE BOARD OF GOVERNORS OF THE METROPOLITAN CLUB WAS HELD AT THE CLUB HOUSE ON TUESDAY, FEBRUARY 17th, 1959.

THE MEETING WAS CALLED TO ORDER AT 4:05 P. M., PRESIDENT CORNELIUS J. REID, PRESIDING.

THE ROLL CALL SHOWED THE FOLLOWING TEN (10) GOVERNORS TO BE PRESENT:-

MESSRS. BRADEN, BURTON, HARNDEN, HARPER, HUNT, McAULIFFE, REID, JOHN ELLIOTT STEWART, THIESING, WHITMAN AND WOLF.

THE MINUTES OF THE REGULAR MEETING OF THE BOARD HELD ON TUESDAY, JANUARY 20th, 1959 WERE NOT READ AS A MOTION WAS OFFERED AND UNANIMOUSLY CARRIED TO DISPENSE WITH THE READING OF THE MINUTES: AND THAT THEY BE APPROVED AS RECORDED. THE BOARD WAS ADVISED THAT THE MINUTE BOOK WAS ALWAYS AVAILABLE FOR INSPECTION BY ANY MEMBER OF THE BOARD.

THE PRESIDENT, MR. REID, READ THE NAMES OF THE FOLLOWING FOUR MEMBERS WHO HAD DIED SINCE OUR LAST MEETING, AND THEIR NAMES ARE HEREWITHE RECORDED WITH DEEP REGRET:-

WILLIAM JOSEPH PHELAN - NON-RESIDENT MEMBER
ELECTED:- NOVEMBER 21st, 1950. DIED:- JANUARY 24th, 1959.

ELLIS L. PHILLIPS - RESIDENT MEMBER
ELECTED:- MARCH 26th, 1929. DIED:- JANUARY 29th, 1959.

WORTHE FAULKNER - NON-RESIDENT MEMBER.
ELECTED:- NOVEMBER 23rd, 1948. DIED:- FEBRUARY 2nd, 1959.

GENERAL WILLIAM JOSEPH DONOVAN
HONORARY LIFE GUEST
ELECTED:- APRIL 21st, 1951. DIED:- FEBRUARY 8th, 1959.

MR. REID READ A LETTER, DATED FEBRUARY 9th, 1959, FROM DOCTOR LEO B. HALLERAN SUBMITTING THE RESIGNATION OF DR. HENRY CRAIG FLEMING, ASKING THAT THE RESIGNATION BE EFFECTIVE AS OF DECEMBER 31st, 1958, DUE TO THE PRESENT STATE OF DOCTOR FLEMING'S HEALTH. THE BOARD UNANIMOUSLY APPROVED ACCEPTING THE RESIGNATION AS SUBMITTED.

MR. JAMES CAMPBELL BURTON, CHAIRMAN OF THE EXECUTIVE COMMITTEE, ADVISED THAT HIS COMMITTEE HAD HELD A MEETING TODAY AT 2:45 P. M. HE ADVISED THAT HIS COMMITTEE HAD APPROVED OF THE HOLDING OF A COCKTAIL PARTY IN THE WEST LOUNGE ON SATURDAY, FEBRUARY 21st, UNDER THE AUSPICES OF THE GUIDEPOSTS FOR CHILDREN, INC.

MR. BURTON FURTHER ADVISED THE THE TROUBLE WE HAD HAD WITH THE SEWERAGE ON 60th STREET HAS BEEN SETTLED: THE COST TO BE \$1,300. WHICH WE ARE GOING TO CHARGE TO OPERATIONS OVER THE REST OF THIS YEAR.

MR. BURTON ADVISED THAT HIS COMMITTEE HAD DISCUSSED THE GENERAL INTEREST OF THE CLUB, AND PARTICULARLY THREE THINGS.

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE DUES FOR FOREIGN MEMBERS BE INCREASED TO \$50.00 EFFECTIVE JANUARY 1st, 1960; AND EFFECTIVE IMMEDIATELY FOR ALL NEWLY ELECTED FOREIGN MEMBERS.

IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PRESENT TEN PERCENT EMERGENCY CHARGE BE ELIMINATED AS OF MARCH 1st, 1959, AND THAT ALL FOOD AND BEVERAGE PRICES BE INCREASED BY TEN PERCENT, AND THE GUEST CHARGE BE INCREASED TO \$1.00 PER PERSON, FOR LUNCHEONS ONLY, WITH NO GUEST CHARGE FOR DINNER.

IT WAS MOVED, SECONDED AND CARRIED THAT THE REPORT OF THE EXECUTIVE COMMITTEE BE APPROVED AND ADOPTED.

IT WAS SUGGESTED THAT A STUDY BE MADE OF CARD ROOM CHARGES AND THAT WE OBTAIN INFORMATION ON THIS SUBJECT FROM OTHER CLUBS, AND THE MATTER BE FURTHER DISCUSSED AT THE NEXT MEETING OF THE EXECUTIVE COMMITTEE.

MR. JOHN McAULIFFE, TREASURER, READ EXCERPTS FROM THE CLUB'S FINANCIAL REPORT FOR THE MONTH OF JANUARY, 1959. IT WAS MOVED SECONDED AND CARRIED THAT THE REPORT BE APPROVED, AND THAT THE USUAL PROCEEDURE IN THE MATTER OF THE MEMBERS DELINQUENT IN THE PAYMENT OF THEIR HOUSE AND DUES ACCOUNTS BE FOLLOWED: I. E. THAT THEY BE NOTIFIED THAT IF THEIR DELINQUENT ACCOUNTS ARE NOT PAID IN FULL BY THE NEXT MEETING OF THE BOARD ON MARCH 17th, 1959, THEIR NAMES SHALL BE ERASED FROM THE ROLLS OF MEMBERS.

THE HONORABLE SPRUILLE BRADEN, CHAIRMAN OF THE ADMISSIONS COMMITTEE SUBMITTED A LIST OF SIX (6) CANDIDATES FOR MEMBERSHIP WHICH HIS COMMITTEE RECOMMENDED FOR MEMBERSHIP; AND BY FORMAL BALLOTTING THE FOLLOWING SIX GENTLEMEN WERE DULY ELECTED FOR THE CLASSIFICATION SHOWN OPPOSITE THEIR RESPECTIVE NAMES:-

MINUTES OF THE EXECUTIVE COMMITTEE. MEETING.

TUESDAY, MARCH 17TH, 1959.

MEETING CALLED TO ORDER AT 2:45 P. M.

PRESENT:- MESSRS. BERGEN, JAMES, McAULIFFE, REID AND WOLF.

THE COMMITTEE DISCUSSED THE ACTION TAKEN AT ITS PREVIOUS MEETING ON FEBRUARY 17TH, AND APPROVED BY THE BOARD EFFECTIVE MARCH 1ST, 1959, COVERING THE REMOVAL OF THE CLUB'S TEN PERCENT EMERGENCY CHARGE; THE INCREASE IN FOOD AND BEVERAGE PRICES BY TEN PERCENT, THE INCREASE IN THE GUEST CHARGE FROM FIFTY CENTS TO ONE DOLLAR FOR LUNCHEON ONLY, AND THE EFFECT THESE CHANGES MIGHT HAVE ON THE PATRONAGE OF THE CLUB. MR. REID TOLD THE COMMITTEE THAT THE RECORDS SHOWED THERE WERE MORE LUNCHEONS AND DINNERS SERVED IN THE MAIN DINING ROOM IN THE FIRST SIXTEEN DAYS OF MARCH THIS YEAR THAN FOR THE SAME PERIOD IN MARCH OF LAST YEAR, WHICH INDICATED THAT THE CHANGES HAD HAD NO ADVERSE EFFECT.

THE COMMITTEE RECOMMENDED THAT A NOTICE BE MAILED TO ALL MEMBERS ADVISING THEM OF THESE CHANGES AND WAS TOLD THAT SUCH A NOTICE HAD BEEN GIVEN TO THE PRINTER AND WOULD BE MAILED ON MARCH 20TH; A COPY OF WHICH NOTICE WAS THEN SHOWN TO THE COMMITTEE: AND APPROVED.

MR. REID READ TO THE COMMITTEE A LETTER HE HAD RECEIVED FROM MR. NADAL RECOMMENDING THAT THE LARGE ROOM IN THE BASEMENT OF THE CLUB BE MADE AVAILABLE TO MR. CHARLES COLUMBUS, WHO RUNS THE MAYFAIR SUPPER DANCES, AND WHO WOULD SPEND BETWEEN THIRTY AND FORTY THOUSAND DOLLARS TO MAKE THIS ROOM SUITABLE FOR THESE DANCES. MR. REID ALSO READ HIS REPLY TO MR. NADAL, WHICH WAS NOT IN FAVOR OF THE IDEA; THE COMMITTEE CONCURRING.

THE COMMITTEE ACCEPTED A METROPOLITAN CLUB \$100.00 REFUNDING MORTGAGE BOND FROM MR. DONALD G. STEVENS AS PAYMENT OF HIS DUES FOR THE FIRST SIX MONTHS OF THIS YEAR, AND DIRECTED THAT THIS BOND BE TURNED OVER TO THE CLUB'S TRUSTEES, THE MANUFACTURERS TRUST COMPANY FOR CANCELLATION.

THE COMMITTEE APPROVED THE RENTING OF THE WEST LOUNGE AND THE GREAT HALL FOR A DEBUTANTE'S COTILLION TO BE HELD IN NOVEMBER FOR APPROXIMATELY 250 GUESTS, AND SPONSORED BY MRS. ROBERT W. CUTLER.

THE COMMITTEE APPROVED AN APPROPRIATION OF \$550.00 FOR THE PURCHASE OF A NEW CARPET FOR THE BANQUET SERVICE BAR ON THE THIRD FLOOR, AND AN APPROPRIATION OF \$325.00 FOR A NEW FLOOR COVERING FOR THE BOOKKEEPERS' OFFICE..

THE MEETING WAS REGULARLY ADJOURNED AT FOUR P. M.

MINUTES TRANSCRIBED BY:-


ARTHUR R. SCOTT, MANAGER.

MINUTES OF THE EXECUTIVE COMMITTEE MEETING.

WEDNESDAY, OCTOBER 21ST, 1959.

PRESENT:- MESSRS. BRADEN, DUNBAR, HARNED, JAMES, McAULIFFE, THOMAS, WEST AND WOLF. MR. JOHN ELLIOTT STEWART, CHAIRMAN OF THE HOUSE COMMITTEE, WAS PRESENT BY INVITATION.

THE MEETING WAS CALLED TO ORDER AT 4:00 P. M., CHAIRMAN GEORGE WOLF, PRESIDING.

IT WAS RECOMMENDED TO, AND APPROVED BY THE COMMITTEE, THAT THE SERVICE BAR ON THE THIRD FLOOR WHICH HAD BEEN CLOSED FOR THE SUMMER BE RE-OPENED; ALSO, THAT AFTER MEMBERS HAVE BEEN SEATED IN THE MAIN DINING ROOM FOR LUNCHEON OR DINNER A BEVERAGE CHECK BE PLACED ON THE TABLE IN FRONT OF THE MEMBER.

MR. STEWART TOOK UP WITH THE COMMITTEE ESTIMATES RECEIVED FROM MR. JAMES J. CASSIDY ON A PROPOSED METROPOLITAN CLUB BROCHURE TO BE MAILED TO ALL MEMBERS; SAMPLE OF WHICH WAS SHOWN TO THE COMMITTEE, TO COST BETWEEN SIX HUNDRED AND ONE THOUSAND DOLLARS, DEPENDING ON THE NUMBER ORDERED AND ACTUAL COST OF PHOTOGRAPHS. THE BROCHURE WAS NOT APPROVED BY THE COMMITTEE, SINCE IT WAS FELT THAT ITS BENEFITS WOULD NOT JUSTIFY THE COST.

MR. STEWART READ TO THE COMMITTEE A LETTER RECEIVED FROM MR. KERBY SAUNDERS GIVING TWO METHODS AND COST OF AIR-CONDITIONING THE ENTIRE CLUB, INCLUDING ALL OF THE BEDROOMS IN THE ANNEX. THE FIRST METHOD BEING A CENTRAL SYSTEM PLANT TO COST APPROXIMATELY \$75,000.00, AND THE SECOND METHOD A UNITARY SYSTEM TO COST APPROXIMATELY \$100,000.00, MR. SAUNDERS RECOMMENDING THE UNITARY SYSTEM. AFTER DISCUSSION BY THE COMMITTEE AS TO HOW THE COST WOULD BE FINANCED, IT WAS MOVED, SECONDED AND CARRIED THAT IT BE RECOMMENDED TO THE BOARD OF GOVERNORS THAT \$100,000.00 BE APPROVED FOR THE AIR CONDITIONING OF THE ENTIRE CLUB, SAME TO BE FUNCTIONING BY THE END OF APRIL, 1960, and it be LEFT TO THE BOARD OF GOVERNORS TO RECOMMEND HOW THE COST SHOULD BE FINANCED; ALSO TO GET COMPETITIVE BIDS.

AMBASSADOR BRADEN TOLD THE COMMITTEE THAT HE HAD RECENTLY ATTENDED A DINNER OF THE AMERICAS FOUNDATION HELD AT THE METROPOLITAN CLUB, WHICH WAS ^{also attended} BY SOME VERY PROMINENT GUESTS, AND HE THOUGHT THAT A FUNCTION OF THIS TYPE HELD AT THE CLUB SHOULD BE PUBLIZED SINCE IT MIGHT INFLUENCE MEMBERS AND THEIR WIVES TO MAKE GREATER USE OF THE CLUB. AMBASSADOR BRADEN ALSO RECOMMENDED THAT ADMIRAL BERGEN, CHAIRMAN OF THE ENTERTAINMENT AND SPECIAL EVENTS COMMITTEE, MR. PAUL HODGES, ALSO A MEMBER OF THIS COMMITTEE, AND MR. JOHN W. HILL, CHAIRMAN OF THE MEMBERSHIP COMMITTEE, BE ASKED TO SERVE ON A PUBLICITY COMMITTEE, TO BE ADVISED BY THE MANAGER OF ALL FUNCTIONS ATTENDED BY PROMINENT GUESTS, AND ASSIST IN THE PUBLIZING OF THEM. THE RECOMMENDATION OF AMBASSADOR BRADEN WAS APPROVED BY THE COMMITTEE.

MR. STEWART TOLD THE COMMITTEE THAT AN ORDER FOR SIX DOZEN CLUB NECKTIES HAD BEEN RECEIVED, AND FIFTEEN OF THEM HAD ALREADY BEEN SOLD.

MR. STEWART TOLD THE COMMITTEE THAT THE HOUSE COMMITTEE HAD DECIDED TO REPLACE THE BARBER AND MANICURIST, SINCE THERE HAD BEEN A NUMBER OF COMPLAINTS ABOUT THEM. IT WAS THE OPINION OF THE COMMITTEE THAT A CHANGE MIGHT BE IN THE BEST INTEREST OF THE CLUB, ALSO, THAT IT WAS NOT ONLY THE SERVICE THAT NEEDED IMPROVEMENT BUT ALSO THE APPEARANCE OF THE BARBER SHOP.

EXECUTIVE COMMITTEE.WEDNESDAY, MARCH 9TH, 1960.

Present:- MESSRS. BERGEN, BRADEN, HARNED, HUNT, JAMES, REID, WEST AND WOLF. BY INVITATION:- MR. JOHN ELLIOTT STEWART, CHAIRMAN OF THE HOUSE COMMITTEE.

1. The meeting was called to order at four p. m., George W. Wolf, Chairman, Presiding.

2. The Committee approved for payment a bill amounting to \$706.87 for work done in one of the basement rooms being arranged as a gymnasium, which had been authorized by Mr. Carlos G. Madal, but without a duly authorized appropriation by the Executive Committee.

3. The Committee agreed, however, that in the future there must be a duly authorized appropriation for all such expenditures by the Executive Committee.

4. A recommendation by the House Committee that a charge of \$1.00 per person, per hour, be made for the use of the gymnasium was turned down by the Executive Committee.

5. Also turned down by the Committee was a recommendation by the House Committee that the members be asked to donate any unused equipment which they might have that could be used in the gymnasium.

6. The Committee was asked to set a policy as to requirements for the acceptance of private parties to be held in the Club. It was agreed that the House Committee should draft a policy and present it to the members of the Executive Committee for study.

7. It was recommended to the Committee that Mr. Charles J. McCarty be made Chairman of the Club's Golf Tournament Committee for 1960. After some discussion, it was agreed that Mr. McCarty be made Co-Chairman of the Committee and Mr. H. W. Trimble, Jr. be the Chairman.

8. The request of Haskins & Sells for the privilege of having a dinner for 140 persons in the Main Dining Room of the Club, reception in the West Lounge, and the use of the card room and billiard room after dinner on Thursday, May 26th, to be sponsored by our member Mr. Harry R. Ferris, was approved by the Committee.

9. The request of Mr. Robert E. Dillon of Buffalo, New York, for Club privileges for his son during the Summer for about three months was not approved by the Committee. The Committee agreed that it be recommended to Mr. Dillon that his son be sponsored for Non-Resident Junior membership.

10. Mr. Stewart read to the Committee a letter from Mr. Vernon A. Eagle, a member of the Club, and Executive Director of The New World Foundation, stating that it would not be possible for him to continue his membership if his understanding of the restrictive practices of the Club was correct. It was agreed that someone with legal knowledge should reply to Mr. Eagle, and Mr. Lee Warren James was asked and agreed to acknowledge Mr. Eagle's letter.

11. The Committee was told that the cost of renovating the ladies' room, making it more attractive, would cost between \$4,500. and \$8,000. There was no action taken in this matter.

12. Mr. Wolf, not having attended the Board meeting on February 16th, told the Committee that he was not in favor of the action taken by the Board at that meeting, which action limited the service in the Lee Warren James Room to the items on the James Room menu. After, discussion, the matter was referred to the House Committee for further study.

The meeting was regularly adjourned at five P. M.
Minutes transcribed by:


Arthur R. Scott, Manager.

Copies to:- C. J. Reid, Esq., President. E. E. Thomas, Secretary.
George W. Wolf, Chairman, Executive Committee.
J. E. Stewart, Chairman, House Committee.

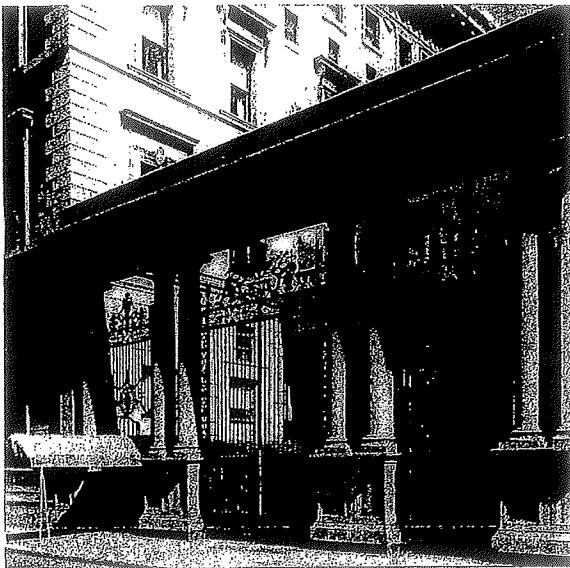


THE METROPOLITAN CLUB

ONE EAST SIXTIETH STREET
NEW YORK 22, NEW YORK
TEMpeton 8-7400

OFFICERS, COMMITTEES AND GOVERNORS

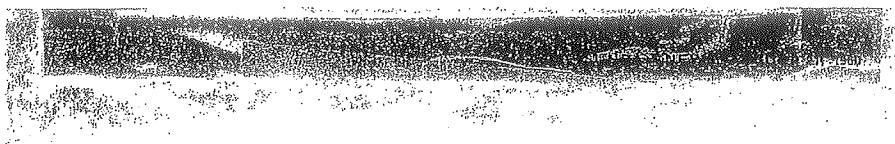
1960-1961

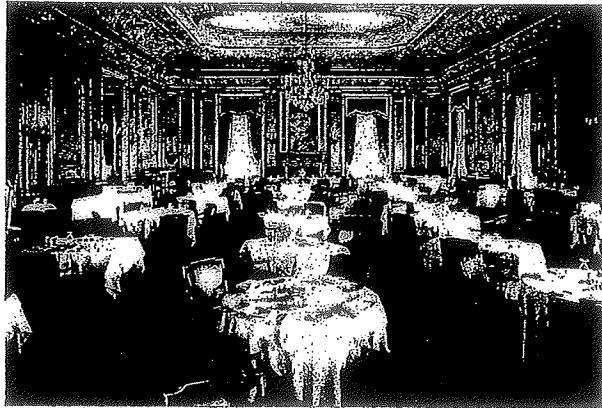


*Ideal
Entertaining
Facilities
Especially
Adaptable
For Your
Every Need.*

The Metropolitan Club is beautifully situated. Close to theatres, shopping districts and the new Coliseum Exposition Hall, the Club's facilities are paced to your activities and needs. Quick, attentive service assures your making the theatre comfortably, keeping your appointments handily. Also at your command—Main Dining Room, Private Dining Rooms, Men's Bar, Card Room, Billiard Room, Lee Warren James Tap Room, Library, Barber Shop, Steam Room and Gymnasium, Dow Jones Stock Ticker Service, Theatre Tickets, Limousine Service and forty resident rooms with valet service.

OUR ENTIRE BUILDING IS AIR-CONDITIONED.





OUR MAIN DINING ROOM

Here in the quiet and refined atmosphere of our Main Dining Room you will enjoy excellent cuisine and superb service in beautiful surroundings. Open from 8:00 A.M. to 9:00 P.M. Ideal for "before the theatre" dinner.

Special buffet on Sunday from 12:00 noon to 3:00 P.M. and from 6:00 P.M. to 9:00 P.M.

THE MAIN DINING ROOM IS AVAILABLE FOR PRIVATE PARTIES OF 200 OR MORE.

The perfect setting for your business and social events



Our Private Dining Rooms

... are designed to give you the intimacy and privacy you desire and the proper setting for your business or social gatherings. Our Banquet Manager, John Felton, will be glad to help you with your plans and make helpful suggestions as to menu, decorations and seating arrangements.

CAPACITIES OF THE PRIVATE DINING ROOMS

THE MORGAN ROOM

Meetings	20 to 150
Cocktail Parties	100 to 200
Luncheon or Dinner	25 to 140

THE BUTLER ROOM

Meetings	25 to 50
Cocktail Parties	25 to 75
Luncheon or Dinner	10 to 30

THE MORTON ROOM

Meetings	15 to 25
Cocktail Parties	10 to 25
Luncheon or Dinner	5 to 20

THE STURGIS ROOM

Meetings	25 to 50
Cocktail Parties	25 to 75
Luncheon or Dinner	10 to 20

ON THE MAIN FLOOR
THE WEST LOUNGE, AVAILABLE FOR PRIVATE COCKTAIL PARTIES AND WEDDING RECESSIONS OF FROM 200 TO 400 PERSONS.
ON THE THIRD FLOOR
THE MAIN DINING ROOM IS AVAILABLE FOR PRIVATE PARTIES OF 200 OR MORE.

7/160

Children's Group to Gain on Feb. 21

New York Times (1857-Current file); Feb 12, 1959; ProQuest Historical Newspapers The New York Times (1851 - 2 pg. 30

Children's Group to Gain on Feb. 21

*Guideposts, Inc., Is
Sponsoring Bal
Masque Event*

Plans are being made for a gala Bal Masque to be held at the Metropolitan Club at 1. East Sixtieth Street on Feb. 21.

The junior committee of Guideposts for Children, Inc., is sponsoring the event, proceeds of which will aid the organization. Mr. and Mrs. Conrad N. Hilton Jr. are general chairmen.

Guideposts, a nonsectarian group at 545 Fifth Avenue, provides psychotherapeutic treatment for retarded pre-school children.

Miss Priscilla Aiden heads the post-debutante committee for the benefit. Her vice chairmen include the Misses Cary Latimer, Ann Dana, Wendy Vanderbilt and Nicole Graham Johnston. Miss Marilla Van Beuren is among their aides.

Vice chairmen of the men's committee, whose chairman is Anthony Berns, include Paul Fagan 3d, Charles Hirshon, Arnold Jurdem, Rene Varley and Orator Woodward.

Among those serving on the senior committee are Mr. and Mrs. Howard B. Johnson Jr., Mr. and Mrs. Richard Cowell, Mr. and Mrs. Charles A. Dana, Mr. and Mrs. Eric Javits, Mr. and Mrs. Comer Jennings, Mrs. Reginald Vanderbilt, Mr. and Mrs. Horatio Luro, Mr. and Mrs. Ivan P. Obolensky and Thelma Lady Furness.

Others are Mr. and Mrs. Stephen Owen, Mr. and Mrs. Owen R. Cheatham, Mr. and



Al Levine
Miss Marilla Van Beuren, left, Paul Fagan 3d and Miss Wendy Vanderbilt at the Sherry-Netherland, where they discussed arrangements for Feb. 21 Bal Masque. It will be held at the Metropolitan Club.

Mrs. Charles A. Berns, Mrs. Isabel Fleming Worsley, Mrs. Eleanor Searle Whitney, Mr. and Mrs. Huntington Hartford and Mr. and Mrs. Robert A. Russell.

Unmasking will take place at midnight and prizes will be given for the most beautiful masque.

Other members of the post-debutante committee are the

Misses Diana Kress, Hope Whitney, Gail Guest, Karen Kriendler, Susan Andrews, Lily Lodge, Pamela Howard, Carol Barnes, Ingrid Russell, Merle Tuck, Joyce Allen, Erin Healy, Natalie Trundy, Hope Parkhurst, Regina Jouvin, Beatrice Ammidown, Victoria Kiser, Joan Petix, Judith Streitz, Barbara Ziet and Olga Georges-Picot.

GRUENTHER SAYS WEST IS STRONG

It Could More Than Hold Its Own in Test With Soviet, He Tells Red Cross Unit

Gen. Alfred M. Gruenther, president of the American Red Cross, said yesterday that the free world would more than hold its own in any test of strength with the Soviet Union.

However, the former commander of the North Atlantic Treaty Organization said he thought that a "hot war" with the Soviet Union could be avoided. Speaking at a luncheon of the motion picture industry section of the 1959 Red Cross campaign, General Gruenther said:

"If we are able to keep in mind our religious civilization and human dignity, then we will more than hold our own in any 'cold war' test or any hot war, but I think we will be able to avoid that."

Of the Berlin crisis, General Gruenther told 125 film industry leaders who attended the luncheon in the Metropolitan Club, 1 East Sixtieth Street:

"To say we will remain firm is not enough. We are going to have to find a practical solution."

He declared that last year the greatest number of refugees in ten years had left East Germany for West Germany and that a large proportion of these were doctors and members of other professions. He suggested that one of the objectives of Premier Nikita S. Khrushchev of the Soviet Union was to prevent this exodus.

General Gruenther observed that the Soviet bloc was spending more than a billion dollars a year on cultural and information programs while the United States expenditures in this area came to only \$100,000,000.

Gen. Nathan F. Twining, chairman of the Joint Chiefs of Staff, told the meeting that half of this country's armed forces were deployed abroad and that this situation was likely to continue. He said that "the Red Cross has been a terrific support to our services."

Spyros Skouras, president of the 20th Century-Fox Films Corporation and chairman of the Motion Picture Industry Group for the Red Cross Appeal, was host at the luncheon and presided.

Segni to Visit U.N. Chief
Special to The New York Times.
New York Times (1857-Current file): Oct 3, 1959; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 3

Segni to Visit U. N. Chief
Special to The New York Times.

UNITED NATIONS, N. Y., Oct. 2.—Premier Antonio Segni of Italy is to confer with Secretary General Dag Hammarskjold here tomorrow. He will come from Washington with Foreign Minister Giuseppe Pella. A luncheon will be given for the Premier tomorrow at the Metropolitan Club by the America-Italy Society and a dinner will be given for Signor Segni at the home of the Italian permanent delegate to the United Nations, Egidio Ortona. Secretary General Hammarskjold and Dr. Victor Andres Belaunde of Peru, president of the General Assembly, have been invited to the dinner.

Premier Segni and Signor Pella are to return to Italy Sunday night.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

SEGNI VISITS U. N. ON ARRIVAL HERE

Italian Premier Makes Bid
for Foreign Investment
in Talk at Luncheon

By PHILIP BENJAMIN

Premier Antonio Segni of Italy arrived in New York yesterday with a bid for increased foreign investment in his country.

The 68-year-old Premier flew here from Washington, where he had conferred with President Eisenhower and Secretary of State Christian A. Herter.

Signor Segni went immediately to the United Nations after his arrival yesterday morning and talked with Dag Hammarskjold, Secretary General of the United Nations.

From the United Nations, the Italian Premier went to a luncheon in his honor at the Metropolitan Club, 1 East Sixtieth Street, given by the America-Italy Society.

There Signor Segni described some of the positive aspects of Italy's economic situation.

Industrial Gains Cited

"The country," he said, "has moved from a prevalently agricultural economy to a stage of growing industrialization. Whereas in 1938 agriculture accounted for 32 per cent of the national income and industry for 28 per cent, in 1958 these proportions were reversed: industry accounted for 34.3 per cent and agriculture for 23.5 per cent."

Signor Segni also noted that in the international money market the Italian lira was beginning to be considered a hard currency.

"Such it has proved to be after the adoption of convertibility," he said.

The Premier said that while exports to the United States had steadily increased, "our American imports still cost us twice our export gains."

Signor Segni emphasized that his country was "especially interested in foreign investment, particularly in those enterprises most apt to speed the process of industrialization."

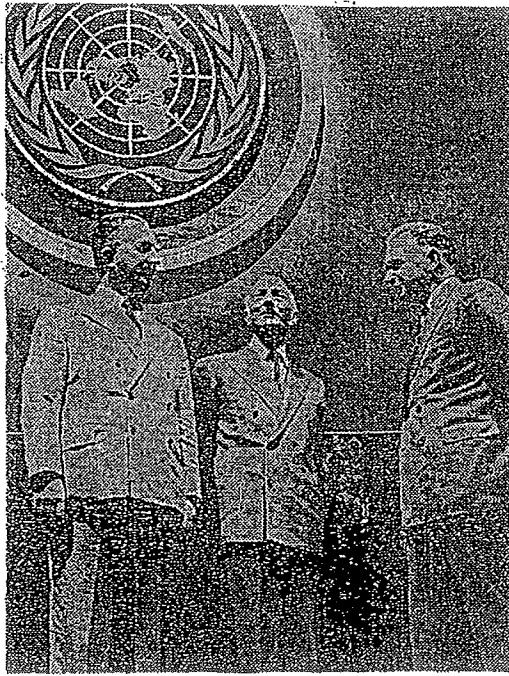
Signor Segni noted that his Government had passed legislation designed to interest foreign investment capital, and noted further that such investments had increased 300 per cent in three years.

About 300 persons attended the luncheon, Richard C. Patterson Jr., Commissioner of the Department of Commerce and Public Events, presented to the Premier a newly designed model of the key to City Hall.

Last night the Premier was guest of honor at a private dinner given by Egidio Ortona, Italy's delegate at the United Nations.

Today he will see some of New York's sights and will be guest of honor at a luncheon given by Henry R. Luce, the magazine publisher, and Mrs. Luce, former United States Ambassador to Italy.

After a dinner tonight at the Waldorf-Astoria Hotel, given by the Italian-American community of New York, Premier Segni will depart for Italy.



The New York Times (by Carl T. Gossett Jr.)
NEW YORK VISITOR: Premier Antonio Segni of Italy, center, being taken on a tour of the United Nations yesterday by Secretary General Dag Hammarskjold. At left is Giuseppe Pella, the Italian Foreign Minister.

PUBLISHER ATTACKS ENVOY SELECTIONS
New York Times (1857-Current file); Oct 13, 1959; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 9

PUBLISHER ATTACKS ENVOY SELECTIONS

An American newspaper publisher charged last night that United States relations with Latin America were hampered by poor diplomatic appointments.

John S. Knight, publisher of Knight Newspapers, Inc., said that "too many of our Ambassadors receive their posts as political plums, too few of them either speak the language of the country to which they are assigned or know much of anything about its culture and traditions."

Mr. Knight spoke at the eighteenth annual dinner of the Americas Foundation, which was held at the Metropolitan Club, 1 East Sixtieth Street.

The foundation presented the publisher with its Americas Award for his work in behalf of inter-American friendship. The presentation was made by Gen. Pedro E. Aramburu, former Provisional President of Argentina, who was last year's award winner.

Mr. Knight said there was much room for improvement in diplomacy between North and South America. He urged that the State Department have an Under Secretary for Latin-American affairs.

First Doric Cotillion For Debutantes Held
New York Times (1857-Current file); Nov 28, 1959; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 24

**First Doric Cotillion
For Debutantes Held**

The first annual Doric Debutante Cotillion of the Women's Auxiliary of the New York Chapter of the American Institute of Architects took place last evening in the Metropolitan Club.

Eight young women were honored at the fete, proceeds of which will be used for scholarships for architectural students.

Robert Ward Cutler Jr. gave a dinner party at the club for the debutantes and their escorts and several other young people before the cotillion. His father and stepmother also entertained at the club for friends before the dinner dance.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Events Today
New York Times (1857-Current file); Mar 16, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
 pg. 75

Events Today

Luncheon, the Tuition Plan, Sheraton-East Hotel, noon, Presentation of award, "Education for a Climate of Freedom," The Very Rev. Laurence J. McGinley.

Luncheon forum, National Democratic Club, 233 Madison Avenue, noon. Speaker: Paul M. Butler.

Lecture, Frick Collection, 1 East Seventieth Street, 3 P. M. "Neapolitan Painting: Vaccaro and Rosa," Alden Murray.

Meeting, Public Health Association of New York City, Donnell Library, 20 West Fifty-third Street, 3 P. M. "Alcoholism Today--Its Public Health Significance," Mrs. Marty Mann, Commissioner Leona Baumgartner.

Dinner meeting, lawyers committee, Workmen's Circle, Attan Center, 25 East Seventy-eighth Street, 6 P. M. "The Landrum-Griffin Law and Its Effect on Labor Relations," David I. Ashe.

Dinner in honor of Vice Admiral Thomas L. Combs under the auspices of the New York Council, Navy League of the United States, Metropolitan Club, 1 East Sixtieth Street, 7 P. M. Speaker: Fred A. Bantz, Under Secretary of the Navy.

Meeting, Boys' Club of New York Alumni, Tompkins Square Building, 287 East Tenth Street, 8 P. M. Speaker: Deputy Commissioner Nathan Skolnik.

Forum on "The Impact of the Adult World on Youth" under the auspices of the Bronx section, National Council of Jewish Women, Wade Junior High School, Morris Avenue and East 176th Street, the Bronx, 8 P. M.

Meeting, Bronx County Medical Society, Veterans Administration Hospital, 130 West Kingsbridge Road, the Bronx, 8:30 P. M. Symposium on "Juvenile Delinquency," Prof. Alfred J. Kahn, Judge Justine Wise Polier, Dr. Harry Bakwin.

Gruenther Urges Offsetting Soviet
New York Times (1857-Current file); May 27, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
 pg. 15

Gruenther Urges Offsetting Soviet

Gen. Alfred M. Gruenther, president of the American National Red Cross, yesterday called for a better informed public to counter Soviet propaganda successes in underprivileged countries.

"The Communists are too frequently able to convince other people that they are interested in the masses and that we are the materialists," he said at the Metropolitan Club, 1 East Sixtieth Street.

He spoke at a luncheon rally opening the motion picture industry's drive in the 1960 Red Cross fund campaign.

General Gruenther said he saw "little cause for depression" because of the failure of the summit conference in Paris since resolutions to the conflicts arising from the ideological struggle between the Soviet Union and this country would take years.

Asserting rather that he was "optimistic about the future," the general observed no essential change in the balance of power affecting the military, economic or political fields of both nations.

General Gruenther addressed 150 motion picture leaders, headed by Spyros Skouras,



The New York Times

Gen. Alfred M. Gruenther speaking yesterday at the Red Cross luncheon rally.

president of Twentieth Century Fox Film Corporation, who will seek to raise \$62,500. The Red Cross campaign goal for Greater New York is \$5,500,000.

DESMOND HONORED BY LAWYERS HERE
New York Times (1857-Current file): Sep 18, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 63

DESMOND HONORED BY LAWYERS HERE

The New York State Association of Plaintiffs Trial Lawyers paid tribute yesterday to Chief Judge Charles S. Desmond of the Court of Appeals at a luncheon meeting in the Astor Hotel.

The testimonial to Judge Desmond came in the opening day of a two-day seminar by the association on medical aspects of negligence cases. About 500 persons, including many judges, attended the luncheon.

Among the topics discussed by physicians at the seminar was how to tell whether injuries suffered were organic or emotional.

Justice Matthew J. Troy of the Court of Special Sessions was honored by the Oriel Society at a reception for completing twenty-five years on the bench. The reception took place at the Metropolitan Club, Fifth Avenue and Sixtieth Street. The Oriel Society is a Catholic cultural organization.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Stedman to Be Honored
New York Times 1/18/77-Current file; Sep 18, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
Pg. S16

Stedman to Be Honored

Rear Admiral Giles C. Stedman, former Superintendent of the United States Merchant Marine Academy and presently vice president and a director of the United States Lines, will be honored at a dinner Thursday night at the Metropolitan Club. Admiral Stedman will be the guest of the Blue and Gray Club, an organization of alumni and friends of the Merchant Marine Academy interested in the athletic program of Kings Point. Admiral Stedman introduced football at Kings Point in 1945.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Events Today
New York Times (1857-Current file); Sep 28, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 36

Events Today

Meeting, National Security Industrial Association, Waldorf-Astoria Hotel, 9:30 A. M. Luncheon, 12:30 P. M. Speakers: Lieut. Gen. Arthur G. Trudeau, U. S. A. Afternoon session, 2 o'clock. Dinner, 7:30 o'clock. Speaker, Gen. Nathan F. Twining, U. S. A. F.

Meeting, African-Affairs Society of America, St. Regis Hotel, noon. "A Report on Africa," W. Averell Harriman.

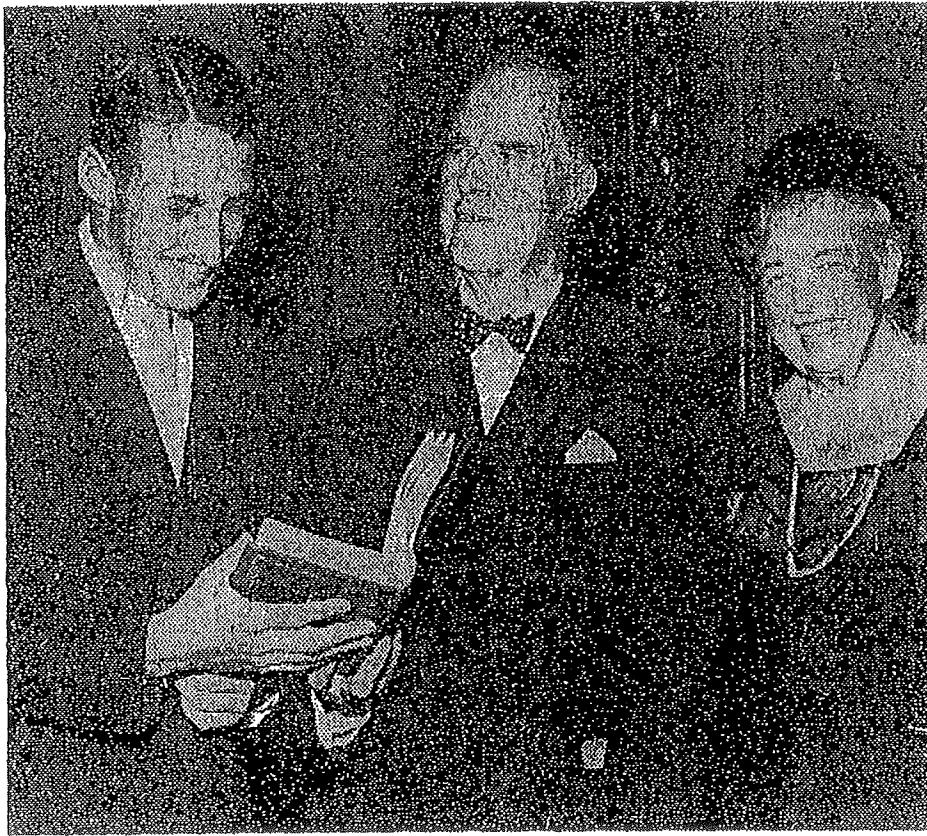
Luncheon, Citizens Housing and Planning Council of New York, Plaza Hotel, 12:30 P. M. Speaker: J. Clarence Davies.

Fiftieth anniversary reception, American-Scandinavian Foundation, Metropolitan Club, 1 East Sixtieth Street, 5:30 P. M.

Meeting, Municipal Engineers of the City of New York, Engineering Societies Building, 29 West Thirty-ninth Street, 7:45 P. M. "The New York City Transit Authority—The Last Five Years and the Next Five," Charles L. Patterson.

Meeting, Episcopal Society for Cultural and Racial Unity, Synod House, Cathedral Church of St. John the Divine, Amsterdam Avenue and 112th Street, 8 P. M. Speakers: The Rev. John B. Morris, Miss Bonnie Kilsteln.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.



United Press International

PRINCE HONORED HERE: Prince Harald of Norway holds a history of his country given him by Lithgow Osborne, center, president of American-Scandinavian Foundation. Mrs. Franklin D. Roosevelt, another guest at reception, reminisced with the Prince.

Prince Harald of Norway Meets An Old Friend, Mrs. Roosevelt

A strapping 23-year-old Norwegian royal visitor and Mrs. Franklin D. Roosevelt yesterday renewed a friendship that began in World War II.

Mrs. Roosevelt and the visitor, Crown Prince Harald of Norway, had not seen each other since early in 1945, before King Olav V and Princess Martha returned to Oslo with their two daughters and the 8-year-old Prince, after an exile of almost five years.

They shook hands warmly yesterday at a reception given for Prince Harald at the Metropolitan Club by the American-Scandinavian Foundation. They swapped memories, but in this, the widow of the wartime President had the advantage; for the Prince's recollections were mainly about school days near Washington.

Governor Rockefeller welcomed the Prince as leader of a nation "whose love of liberty shines like ours."

Prince Harald thanked Governor Rockefeller for his welcome and praised the foundation for its work. He reported that 5,000 persons had benefited from the foundation's scholarships and training programs.

Addressing 200 reception guests, Mrs. Roosevelt recalled the early days of World War II. She said she and President Roosevelt had known the Norwegian royal family very well and especially "a small boy, very small."

She said she had seen him once at the White House swimming pool and had remarked to his mother, the late Princess Martha, that Prince Harald looked blue. The Princess replied, "The waters of Norway are cold."

On another day at the stables at Hyde Park, Mrs. Roosevelt recalled, a state trooper was perturbed because "a small boy" was climbing a horse's leg.

The same small boy started to cry once when he was injured, she noted, until he was reminded by his mother, "Princes don't cry."

Among those at the reception were Miss Frances Willis, United States Ambassador to Norway and the Norwegian Ambassador, Paul Koht.

Prince Harald, who will remain here until Sunday, will visit the United Nations and meet Mayor and Mrs. Wagner at Gracie Mansion today.

Events Today
New York Times (1857-Current file); Oct 15, 1960; ProQuest Historical Newspapers The New York Times (1851 - 2004)
pg. 21

Events Today

Conference on "Science and Technology in Israel and the Middle East" under the auspices of the American Technion Society, Astor Hotel, 9:30 A. M; Afternoon session, 1:45 P. M. Continues tomorrow morning.

Conference, Gregg Shorthand Teachers' Association, McGraw-Hill Building, 330 West Forty-second Street, 9:30 A. M.

Luncheon, Women's auxiliary, New York State Pharmaceutical Society, Waldorf-Astoria Hotel, noon.

Founders Day luncheon, Eta chapter, Tau Gamma Delta Sorority, Waldorf-Astoria Hotel, noon. Speaker: Dr. Deborah Partridge.

Lecture, Frick Collection, 1 East Seventieth Street, 3 P. M. "Rubens in Italy," Eric Van Schaack.

Reception in honor of King Frederik and Queen Ingrid of Denmark, under the auspices of the American-Scandinavian Foundation, Metropolitan Club, 1 East Sixtieth Street, 4 P. M.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

250,000 Greet Danish Monarchs

Red and White Tape Swirls at Parade Up Broadway

By ANNA PETERSEN

King Frederik IX and Queen Ingrid of Denmark were welcomed to New York yesterday with a red-and-white ticker-tape parade up Broadway from Bowling Green to City Hall. As the air above the procession filled with a whirr of confetti and streamers in colors matching Danish flags that flew from doorways, the King smiled broadly to the noontime crowds lining the sidewalks.

The monarch, who is Europe's tallest and also by reputation its friendliest, drew cheers and applause from onlookers when he halted the parade shortly after it had begun. The Queen, who had been riding in the car behind him, moved up and sat beside him.

The police estimated the turnout at 250,000, which would make it the largest welcoming crowd since Britain's Queen Elizabeth II visited New York.

Flew Up From Capital

The royal couple had flown from Washington to La Guardia Airport earlier in the day to receive the honors of a city whose population far exceeds that of their entire country. The four-day visit here will wind up a tour of the United States that began on Oct. 4 in Los Angeles.

The King was dressed yesterday in the uniform of an admiral of the Danish Navy. The Queen wore a wine-colored costume and matching hat, with black osprey feathers.

They were met at the foot of the steps of City Hall by Mayor and Mrs. Wagner. The official party halted only briefly to sign the guest book and to hear military bands play "The Star-Spangled Banner" and "Kong Christian," the Danish national anthem.

Queen Ingrid was the guest of Mrs. Wagner at a luncheon in Gracie Mansion, where she received a gold link bracket bearing a key.

At a luncheon in the Waldorf-Astoria Hotel, the Mayor gave the King the medal of the City of New York and a scroll extolling him as a "friend of international peace with justice."

700 at Luncheon

The luncheon was attended by more than 700 city officials, business men and ranking officials of both the Danish and American Governments.

During the introductions of those on the dais, an extraordinary tribute was paid to Frederick H. Boland of Ireland. Richard C. Patterson Jr., Commissioner of Commerce and Public Events, presented him as "the courageous President" of the United Nations General Assembly. The luncheon party rose to its feet, applauded and cheered.

In response to the Mayor's toast to the King, the King called for a toast to President Eisenhower, adding, "God bless him on this day." It was the President's seventieth birthday.

In his speech, delivered in English, the King called for mutual efforts by Denmark and the United States in promoting the principles of freedom and strengthening "the Western community."

He paid tribute to the help given through the Marshall Plan in the post-war reconstruction



The New York Times

A reception fit for a king, and queen, is accorded Frederik and Ingrid of Denmark on Broadway. Between them is Richard C. Patterson Jr. of public events department.

in Europe and said that it had activated the development that Europe is now undergoing.

"Denmark is situated at a European crossroad," he said. "Both politically and geographically Denmark forms, so to speak, a bridge between the two European economic communities, the European Common Market and the European Free Trade Association, of which Denmark is a member."

He also noted that the Danish economy was in transition. He said his country, primarily agricultural, was now producing more industrially and offering investment opportunities for the West.

The Mayor described Denmark as "in many ways an ideal nation." He said it was exemplified in the quality of its exports and especially its crafts, which, he said, "show great pride and extreme care in design and execution."

A number of these products and contemporary crafts are included in an exhibition, "The Arts of Denmark," described as the largest display of Danish art ever to reach this country. The King and Queen formally opened the exhibition last night at the Metropolitan Museum of Art.

The Overseas Press Club gave a reception for the King and Queen in the Waldorf-Astoria in the afternoon.

Today at 10:30 A. M., the King and Queen will visit the Hans Christian Andersen statue in Central Park, near Fifth Avenue and Seventy-fourth Street, and hear Victor Borge read one of Andersen's fairy tales. The Queen will go from the Waldorf-Astoria, where at 9:45 A. M. she will receive an award of the Save the Children Federation.

The American-Scandinavian

Foundation will give the monarchs a reception at 4 P. M. in the Metropolitan Club. They will be dinner guests of the Danish-American Society in the evening at the Waldorf-Astoria.

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THIRD CHURCH OF CHRIST, SCIENTIST,
OF NEW YORK CITY,

Plaintiff,
-----X
-against-

CITY OF NEW YORK, and PATRICIA LANCASTER,
in her official capacity as Commissioner

Defendants.
-----X
DEBORAH A. BATTES, United States District Judge.

The Court is in receipt of the most recent correspondence of the Plaintiff and non-Parties The Metropolitan Club, Riverside Church, and St. Ignatius Loyola in response to the Court's Order at the hearing held on July 10, 2008 that the non-Parties submit affidavits on the "grandfathering" issue.

Having reviewed the respective Motions to Compel and Motions to Quash as well as the supplemental affidavits submitted by the non-Parties, and having heard from the Parties at the July 10, 2008 hearing, the Court finds that compliance with the Plaintiff's extensive discovery requests would be an undue burden on each of the non-Parties within the meaning of Fed. R. Civ. P. 45(c)(3)(A)(iv).

The Court hereby modifies the subpoena as follows:

Within 30 days of the date of this Order the Metropolitan Club, Riverside Church, St. Ignatius Loyola, and the Fourth Universalist Society are hereby ORDERED to produce all documents concerning any social event conducted on or in the premises during the month of

USDC SENY
DOCUMENT
ELECTRONICALLY FILED
DAB 08/11/2008 31JUL08

December 2007 including a) the advertising and booking b) the attendance at c) the revenues generated by, and d) any communication about such events held. In addition, The Metropolitan Club, Riverside Church, St. Ignatius Loyola, and the Fourth Universalist Society are hereby ORDERED to produce all documents from the month of December 2007 relating to any independent person or entity that performed catering-related services with which the institution has a contractual relationship, including: a) the terms and scope of that contractual relationship (whether it is oral or reduced to writing); b) rent or use payments made by, or other financial arrangements with the caterer.

If an argument can be made from the documents that it is clear that any person can pay to hold a catered event on the premises of The Metropolitan Club, Riverside Church, St. Ignatius Loyola, or the Fourth Universalist Society then Plaintiffs can renew their application as to that institution to ask for additional discovery.

SO ORDERED.

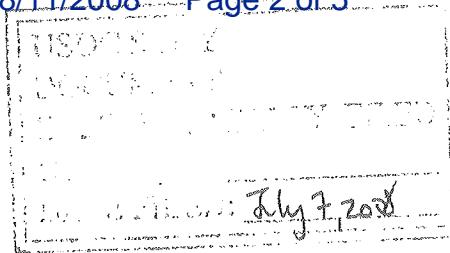
Dated: New York, New York

July 31, 2008

Deborah A. Batts
Deborah A. Batts
United States District Judge

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
THIRD CHURCH OF CHRIST, SCIENTIST,
OF NEW YORK CITY,



Plaintiff,
-----X
-against- ORDER
07 Civ. 10962 (DAB)

CITY OF NEW YORK, and PATRICIA LANCASTER,
in her official capacity as Commissioner

Defendants.
-----X
DEBORAH A. BATTS, United States District Judge.

This case was filed by Plaintiff Third Church of Christ, Scientist, of New York City ("Plaintiff") against the City of New York and Patricia J. Lancaster, in her official capacity as Commissioner of the New York City Department of Buildings ("the City"), for a Temporary Restraining Order and Preliminary Injunction preventing the City from enforcing their revocation of an earlier-issued approval permitting the Church to use its buildings for catered events. The Temporary Restraining Order was Granted by the Court on December 6, 2007.

On March 3, 2008, the Court issued an ORDER:

GRANTING pre-hearing discovery including Plaintiff's requests for documents and depositions from several religious and non-religious institutions that may conduct similar catered events to those at issue in this matter, as well as document requests and depositions of City officials who may have knowledge relevant to the Church's claims.

(Order, 07 Civ. 10960, Dkt. No. 19.) Since that time, the Court is in receipt of several Motions to Compel compliance with subpoenas served by the Plaintiff and Motions to Quash those subpoenas. Among those was a Motion to Compel compliance with a subpoena served on non-Parties 570 Park Avenue Apartments, Inc., 580 Park Avenue, Inc., Susan Relyea, as Member of the Co-Op Board of 580 Park Avenue, Inc., and The Beekman Tenants Corporation (collectively "the Neighbors"). (07 Civ. 10960, Dkt. No. 30.) The Motion was filed April 21, 2008. On May 5, 2008 those non-Parties filed their opposition to the Motion to Compel, as well as a Cross-Motion to Quash. (07 Civ. 10960, Dkt. No. 43.) The Plaintiff filed its Reply on May 9, 2008, and the Neighbors filed their Reply on May 12, 2008. (07 Civ. 10960, Dkt. Nos. 48, 52.)

In its Motion papers, Plaintiff argues that it was "only because of political pressure" that the City revoked its previous authorization for Plaintiff to host social events. (Pl. Mem. of Law, Neighbors, at 3.) Therefore, they sought documents including "any communications" with the City, Elected Officials, or the State Liquor Authority regarding the Church, the Building, or the Rose Group (the caterers with whom the Plaintiff has contracted). (Decl. of Monica Pa, Neighbors, at Ex. B.) The Neighbors responded by, among other things, noting that the Court's Order "does not expressly permit Plaintiff to issue any

discovery to residential buildings, such as those owned by the Coalition Members...." (Neighbors Opp. Mem. of Law, at 6.)

Indeed, the language of the Court's Order limited discovery to, "institutions that may conduct similar catered events to those at issue in this matter." None of the neighbors, except for The Beekman, is even alleged to conduct catered events. The Beekman does house a restaurant called the "Park Avenue Cafe" which operates in a portion of the ground floor of The Beekman. However, unlike Plaintiff here, the restaurant is permitted pursuant to the City's Zoning Resolution §12-10, for a "transient hotel" in which (among other things) "living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis" for which permitted accessory uses expressly includes restaurants. (Decl. of Phyllis H. Weisberg, ¶ 28, Ex. O.)

Conducting non-Party discovery on the Beekman would not advance Plaintiffs argument that the City is subjecting them to disparate treatment in violation of Section (b) of the Religious Land Use and Institutionalized Persons Act of 2000. 42 U.S.C. § 2000cc et seq. ("RLUIPA"). It is Plaintiffs contention in their Memorandum of Law in Support of their Motion for a Preliminary Injunction that "[t]he City historically, and apparently without exception, has implemented its Zoning Resolution so as to permit

nonreligious non-profit institutions in residential districts to advertise and make their building available for catered social events for members of the general public." (Pl. Prelim. Inj. Mem. of Law at 12, 07 Civ. 10960, Dkt. No. 6.) Plaintiff has further represented to the Court that, "[n]ot only does the City routinely permit nonreligious non-profit organizations to host catered social events...it also routinely permits churches, synagogues and other religious institutions to rent out their facilities to members of the general public for catered social events...." (Id. at 14.) Discovery was permitted to allow Plaintiff to establish a record of the purported "existence of persons in similar circumstances who received more favorable treatment than the plaintiff." (Id.)

Therefore, Plaintiff's Motion to Compel compliance with a subpoena served on non-Parties 570 Park Avenue Apartments, Inc., 580 Park Avenue, Inc., Susan Relyea, and The Beekman Tenants Corporation is hereby DENIED and their Motion to Quash GRANTED.

SO ORDERED.

Dated: New York, New York

July 7, 2008


Deborah A. Batts
United States District Judge